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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,380	06/27/2001	Karin Axelsson	P2927US00	2566

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DITTHAVONG MORI & STEINER, P.C.  
918 Prince Street  
Alexandria, VA 22314

EXAMINER
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RAMAN, USHA

ART UNIT	PAPER NUMBER
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2424

NOTIFICATION DATE	DELIVERY MODE
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04/06/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 09/891,380	<b>Applicant(s)</b> AXELSSON ET AL.	
	<b>Examiner</b> USHA RAMAN	<b>Art Unit</b> 2424	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2010.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,12-17,27,28,30,31 and 33-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,12-17,27,28,30,31 and 33-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

***Claim Objections***

1. Claims 30, 31 and 42 are objected to because of the following informalities: claims 30, 31 and 42 recite "mobile alter" in lines 11, 10, and 7, respectively, which appears to be a misspelling of "mobile alert". Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-2, 5, 7, 12-17, 27-28, 34, and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Collins et al. (US Pat. 6,424,828).

With regards to claims 1, 27 and 28, Ellis discloses an apparatus (24) comprising:

At least one processor (54);

At least one memory (56) including computer program code (see claim 7)

The at least one memory and the computer memory configured to, with at least one processor cause the apparatus to perform at least the following:

Cause, at least in part, actions that result in reception of an EPG for identification of program of interest [0120];

Cause, at least in part, actions that result in provision of selection options in the EPG for desired program scheduled to be available in the future [0122], [0186], wherein reminders are for upcoming programs [0007], [0086];

Create a notification of the program selected from the electronic program guide, said notification including at least one of a reminder flag ([0123] a reminder is scheduled indicating the presence of a reminder operation and therefore the notification comprises a reminder flag);

Cause at least in part, actions that result in transmission of the notification of the program selected from the EPG [0085] directly to at least one remote EPG system of another apparatus [0142], prior to the selected program being available [0086];

Cause at least in part, actions that result in transmission of an alert message indicating program selected to be forwarded to a mobile handset [0087], [0124] wherein, the message is transmitted directly from a interactive program guide [0086], [0142] via a service provider ("the interactive program guide equipment 17 may phone an automatic paging service and issue a message" [0087]).

Ellis is silent on the step of transmitting the notification message to a SMS server to be forwarded as a SMS to the mobile handset.

In a related art, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to SMS server (SMS 235) and subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it

was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset.

All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention. It would been obvious to further modify the system of Ellis in view of Collins so that such notifications can be additionally forwarded to a mobile handset as an SMS, so that users can receive such notifications over handset devices when they are not around their television sets.

With regards to claims 2, and 39, Ellis notes that the transmitting apparatus may be a an interactive television program guide access device while receiving apparatus maybe the remote program guide access device ([0086], [0142]), wherein the remote program guide access device maybe a mobile communication handset [0059].

With regard to claims 5, and 34, Ellis further discloses the step of transmitting notifications as an email [0087], [0124].

With regards to claim 7, the modified system further discloses that the remote access program guide maybe to remotely select programs for recordings (Ellis: [0012], [0075]). Accordingly it would have been obvious to one of ordinary skill in the art to further modify the system by transmitting recording notifications from a

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remote location, wherein the recording notification comprise parameters to effect the scheduling of recording at the receiving apparatus.

With regards to claims 12, and 38, the modified system further comprises wherein the apparatus is further caused to transmit the notification of the program selected to a plurality of remote electronic program guide systems (Ellis: [0086], e.g. all program guide devices available to the user).

With regards to claim 13, the modified system further comprises wherein the apparatus is incorporated in an integrated receiver decoder (Ellis: [0053], [0061]) for receiving satellite signals.

With regards to claim 14, the modified system further comprises wherein the apparatus is incorporated in an set top box (Ellis: [0049], [0053]).

With regards to claim 15, the modified system further comprises wherein the apparatus is incorporated into a mobile handset (Ellis: [0059]).

With regards to claim 16, the modified system further comprises wherein the apparatus is incorporated into a television receiver (Ellis: [0059]).

With regards to claim 17, the modified system further comprises wherein the apparatus is incorporated into a mobile display appliance (Ellis: [0059]).

4. Claims 3, 6, 8, 30-31, 3,35-37 and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US PG Pub. 2006/0031883) in view of Collins et al. (US Pat. 6,424,828) and Haken (US PG Pub. 2004/0008972).

With regards to claims 3, and 33, the modified system is silent on the step of wherein the another apparatus is caused to filter pass the notification when the apparatus is authorized to send the notification.

In an analogous art, Haken discloses a method of a receiving apparatus filtering to pass a recommendation notification for recording received from another device when the apparatus is authorized to send the notification [0032], [0034].

Accordingly it would have been obvious to one of ordinary skill in the art to further modify the system in view of Haken by filtering to pass recommendation/reminder notifications received from remote devices when the remote devices are authorized to send the notification so that only notifications from authorized devices can be received.

With regards to claims 6, and 35, in the event the received notification is a recording notification (as disclosed by Haken), the receiving apparatus of the modified system to register the recording instruction in a memory of another apparatus that is stored with an electronic program guide thereby recording the program of interest (Haken: [0011] [0034], add to recording list). The step of "if the recording instruction conflicts" is recited in the alternative form of claim language and therefore met by the above. The modified system further comprises when passing the notification, but the apparatus is not authorized to register a recording instruction (e.g. secret verification protocol not present), delay the registration of the recording instruction until the recording instruction is either confirmed or canceled (Haken: [0034], add to recommended recording list that is to be approved by the owner).

With regards to claims 8, and 37, in the event the received notification is a reminder notification (as disclosed by Ellis), the receiving apparatus of the modified system schedules the reminder in the memory of another apparatus for reminding the user of receiving apparatus the program of interest (Haken: [0034], Ellis: [0075]) if the notification is passed and the notification contains a reminder notification and the apparatus is authorized. If the notification is passed and the notification contains a reminder flag and the apparatus is not authorized to register a reminder (e.g. verification protocol not present), then the apparatus is not authorized to schedule (i.e. register) the reminder, rather delayed the registration of the reminder until the reminder is either confirmed or canceled (Haken: [0034], the system as modified would add the recommended reminder to a list that is to be approved by the owner).

With regards to claims 30, 31 and 42, Ellis discloses an apparatus comprising:

- at least one processor (42); and

- at least one memory (49) including computer program code, the at least one memory and the computer program code configured to, with the at least one processor, cause the apparatus to perform at least the following,

- cause, at least in part, actions that result in reception of a notification of a program of interest in an electronic program guide from another apparatus [0085];

Ellis discloses that a mobile alert can be received in addition to the notification [0087], however is silent that the alert is an SMS message sent to a mobile phone.



Ellis further is silent on the step of disclosing filter to pass the notification, when the another apparatus is authorized to send the notification; if the notification is passed, the notification contains a mobile alert flag, and the another apparatus is authorized to register a mobile alert, sending the alert to the mobile phone; if the notification is passed, the notification contains a recording flag, and the another apparatus is authorized to register a recording instruction, (1) register the recording instruction in a memory of the apparatus that is stored with an electronic program guide thereby recording the program of interest; (2) if the recording instruction conflicts with a previous recording instruction, convert either the previous recording instruction or the recording instruction into a reminder; if the notification is passed, the notification contains a recording flag, and the another apparatus is not authorized to register a recording instruction, delay the registration of the recording instruction until the recording instruction is either confirmed or cancelled; and that if the notification is passed, the notification contains a reminder flag, and the another apparatus is authorized to register a reminder, register the reminder in the memory of the apparatus thereby reminding a user of the apparatus the program of interest; if the notification is passed, the notification contains a reminder flag, and the another apparatus is not authorized to register a reminder, delay the registration of the reminder until the reminder is either confirmed or cancelled.

In a related art, Collins shows a method of communicating email messages addressed to a mobile device over a cellular network, wherein the email message is converted to a SMS message, forwarding it to SMS server (SMS 235) and

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subsequently forward it as a SMS message to a mobile handset. (see column 6, lines 11-19, lines 22-58). Collins is evidence to one of ordinary skill in the art that it was well known at the time of transmitting email messages, transmitting the message to a SMS server to be forwarded to a SMS mobile handset.

It would be obvious to further modify the system of Ellis in view of Collins so that such notifications can be additionally forwarded to a mobile handset as an SMS, so that users can receive such notifications over handset devices when they are not around their television sets.

In a further related art, Haken discloses a method of a receiving apparatus filtering to pass a recommendation notification for recording received from another device when the apparatus is authorized to send the notification [0032], [0034]. One of ordinary skill in the art would easily recognize that that such a filtering can apply to all notification messages pertaining to a particular recommendation, such that if recommendation is not passed, then not passing any of the notification messages associated with that recommendation message. Haken further discloses that in the event the received notification is a recording notification, the receiving apparatus of the modified system to register the recording instruction in a memory of another apparatus that is stored with an electronic program guide thereby recording the program of interest (Haken: [0011] [0034], add to recording list). The step of "if the recording instruction conflicts" is recited in the alternative form of claim language and therefore met by the above. Haken further discloses when passing the notification, but the apparatus is not authorized to register a recording instruction (e.g. secret

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verification protocol not present), delay the registration of the recording instruction until the recording instruction is either confirmed or canceled (Haken: [0034], add to recommended recording list that is to be approved by the owner).

Accordingly it would have been obvious to one of ordinary skill in the art to further modify the system in view of Haken by filtering to pass all the notifications pertaining to a recommendation/reminder event received from remote devices when the remote devices are authorized to send the notification so that only notifications from authorized devices can be received.

The modified system further comprises when the received notification is a reminder notification (as disclosed by Ellis), the receiving apparatus of the modified system schedules the reminder in the memory of another apparatus for reminding the user of receiving apparatus the program of interest (Haken: [0034], Ellis: [0075]) if the notification is passed and the notification contains a reminder notification and the apparatus is authorized. If the notification is passed and the notification contains a reminder flag and the apparatus is not authorized to register a reminder (e.g. verification protocol not present), then the apparatus is not authorized to schedule (i.e. register) the reminder, rather delayed the registration of the reminder until the reminder is either confirmed or canceled (Haken: [0034], the system as modified would add the recommended reminder to a list that is to be approved by the owner).

With regards to claim 36, the modified system effects the change in recording schedule when a recording notification is received. Ellis further discloses scheduling and transmitting reminders before programs start [0086]. Accordingly it would have

been obvious to transmit the notification to effect the instructions before the program starts so that the program can be recorded in its entirety.

With regards to claim 40, the modified system is silent on the step of wherein the another apparatus is caused to filter pass the notification when the apparatus is authorized to send the notification.

In an analogous art, Haken discloses a method of a receiving apparatus filtering to pass a recommendation notification for recording received from another device when the apparatus is authorized to send the notification [0032], [0034].

Accordingly it would have been obvious to one of ordinary skill in the art to further modify the system in view of Haken by filtering to pass recommendation/reminder notifications received from remote devices when the remote devices are authorized to send the notification so that only notifications from authorized devices can be received. In the event the received notification is a recording notification (as disclosed by Haken), the receiving apparatus of the modified system to register the recording instruction in a memory of another apparatus that is stored with an electronic program guide thereby recording the program of interest (Haken: [0011] [0034], add to recording list). The step of "if the recording instruction conflicts" is recited in the alternative form of claim language and therefore met by the above. The modified system further comprises when passing the notification, but the apparatus is not authorized to register a recording instruction (e.g. secret verification protocol not present), delay the registration of the recording

instruction until the recording instruction is either confirmed or canceled (Haken: [0034], add to recommended recording list that is to be approved by the owner).

With regards to claim 41, the modified system is silent on the step of wherein the another apparatus is caused to filter pass the notification when the apparatus is authorized to send the notification.

In an analogous art, Haken discloses a method of a receiving apparatus filtering to pass a recommendation notification for recording received from another device when the apparatus is authorized to send the notification [0032], [0034].

Accordingly it would have been obvious to one of ordinary skill in the art to further modify the system in view of Haken by filtering to pass recommendation/reminder notifications received from remote devices when the remote devices are authorized to send the notification so that only notifications from authorized devices can be received.

in the event the received notification is a reminder notification (as disclosed by Ellis), the receiving apparatus of the modified system schedules the reminder in the memory of another apparatus for reminding the user of receiving apparatus the program of interest (Haken: [0034], Ellis: [0075]) if the notification is passed and the notification contains a reminder notification and the apparatus is authorized. If the notification is passed and the notification contains a reminder flag and the apparatus is not authorized to register a reminder (e.g. verification protocol not present), then the apparatus is not authorized to schedule (i.e. register) the reminder, rather delayed the registration of the reminder until the reminder is either confirmed or

canceled (Haken: [0034], the system as modified would add the recommended reminder to a list that is to be approved by the owner).

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to USHA RAMAN whose telephone number is (571)272-7380. The examiner can normally be reached on Mon-Fri: 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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